

No. 14/13/87-6Lab./727.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of the Administrator, HUDA, Gurgaon *versus* Sukh Pal Singh.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Ref. No. 493 of 92

*between*

SUKH PAL SINGH, HOUSE NO. 319, SECTOR-17, GURGAON

*and*

THE MANAGEMENT OF ADMINISTRATOR, HARYANA URBAN DEVELOPMENT  
AUTHORITY, GURGAON

*Present :*

None for the parties.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter between the parties mentioned above to this Court for adjudication, *-vide* Haryana Government Labour Department Endst. No. 48042—47, dated the 19th October, 1992 :—

2. Case has been called several times. None appears for the workman, Therefore, reference is dismissed in default for non prosecution.

The 22nd September, 1994.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-Cum-Labour Court,  
Gurgaon.

Enrolment No. 1434, dated the 30th September, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh under section 15 of the I. D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-Cum-Labour Court,  
Gurgaon.

No. 14/13/87-6 Lab./728.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of presiding officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Northern Minerals, Ltd., Gurgaon *versus* Daya Ram.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 391 of 92.

*between*

SHRI DAYA RAM S/O SHRI PARSANNA, SURAT COLONY, DAULTABAD ROAD,  
GURGAON

*and*

THE MANAGEMENT OF M/S. NORTHERN MINERALS LTD., DAULTABAD  
ROAD, GURGAON

*Present :*

Workman in person.

Shri S. K. Goswamy for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter between the parties mentioned above, to this Court, for adjudication,—*vide* Haryana Government, Labour Department endorsement number 29212, dated 27th June 1992.

2. Workman has made statement that he does not want to proceed with the reference and withdraws the same. Statement recorded separately. In view of the statement made by the authorised representative of the workman/workman, reference stands disposed off as withdrawn.

ANITA CHAUDHARY,

The 5th September, 1994.

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 1432, dated the 30th September, 1994.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh under section 15 of the I. D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

No. 14/13/87-6Lab./729.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Haryana Minerals, Ltd., New Delhi *versus* President, Workers of Haryana Minerals Ltd., Narnaul.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 44 of 91

*between*

PRESIDENT WORKERS UNION OF HARYANA MINERALS LTD., NARNAUL,  
DISTT. MOHINDERGARH (HARYANA)

*and*

THE MANAGEMENT OF M/S. (1) HARYANA MINERALS LTD., 703-704,  
ARUNACHAL BUILDING, 19, BARAKHAMBHA ROAD, NEW DELHI; (2)  
HARYANA MINERALS LTD., NIJAMPUR ROAD, NARNAUL, DISTT.  
MOHINDERGARH (HARYANA)

*Present :*

Shri Girvar Singh for the workman.

Shri P. R. Yadav for the management.

## AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 the Governor of Haryana, referred the following dispute, between the parties mentioned above to this court, for adjudication,—*vide* Haryana Government Labour Department Endorsement No. 2781—87, dated 23rd January, 1991.—

2. Authorised representative of the workman has made statement that he does not want to proceed with the reference and withdraws the same. Statement recorded separately. In view of the statement made by the Authorised representative of the workman reference stands disposed off as withdrawn.

Dated the 27th September, 1994.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

Endorsement No. 1430, dated the 30th September, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh under Section 15 of the I. D. Act, 1947.

ANITA CHAUDHARY,

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Gurgaon.

The 24th September, 1995

No. 14/13/87-6Lab./742.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar in respect of the dispute between the workman and the management of M/S Engineer-in-Chief, PWD, Public Health, Haryana, Chandigarh *versus* Ramesh Kumar :—

BEFORE SHRI B.R. VOHRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, HISAR.

Ref. No. 326 of 90

Date of receipt : 20th March, 1990.

Date of Decision : 3rd October, 1994.

SHRI RAMESH KUMAR, S/O MIHUN RAM, VILLAGE BHANGARH, DISTRICT BHIWANI .. *Applicant*

*versus*

1. ENGG-IN-CHIEF, PWD, PUBLIC HEALTH, HARYANA, CHANDIGARH.
2. S. E. PWD, PUBLIC HEALTH, HISAR CIRCLE, HISAR.
3. EXECUTIVE ENGINEER, PWD, PUBLIC HEALTH, FATEHABAD.

.. *Respondents-Management*

*Present :*

Shri B. R. Rapria, for the workman.  
Shri Sita Ram, ADA for management.

#### AWARD

In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (for short, the Act), the Governor of Haryana referred the following dispute between Sahi Ramesh Kumar and the above mentioned management for adjudication to this court, *vide* Labour Department letter No. Hsr/3/90-9858—65, dated 7th March, 1990 :—

Whether termination of services of Ramesh Kumar is justified and in order ? If not, to what relief is he entitled ?

2. According to the workman, he was appointed as Mali-cum-Chowkidar on 1st August, 1986 under Public Health Division No. 2 Sirsa and later on his services were transferred to Public health, Fatehabad on 1st September, 1987, where his services were terminated on 1989 without any reason. The petitioner alleged that termination of his services was illegal and against the provisions of the Act. He prayed for reinstatement with full back wages and other benefits.

3. The management in its written statement, pleaded that the petitioner was engaged on daily wages as per requirement of work and he was not engaged, when not required. The management further alleged that the petitioner has worked for 167 days only and thus, the action of the management was legal. It was also pleaded that the management is not an 'industry' as defined under the Act.

4. On the pleadings of the parties, the following issues were framed on 11th February, 1991, by my learned predecessor :—

1. As per terms of reference.
2. Relief.

5. The parties led evidence in support of their rival claims. I have heard Shri B.R. Rapria, A. R. of the workman and Shri Sita Ram, ADA on behalf of the management and have gone through the case file. My findings on the above issues are as under :—

#### Issue No. 1 :

6. Shri Kanwar Singh, SDO was examined as WW-1, who stated on oath that the petitioner had worked from 1st September, 1986 to 31st August, 1987 under Sub-Division No. 2, World Bank Project, Sirsa on daily wages. Ramesh, petitioner appeared as WW-2 and has stated that he was appointed on 1st August, 1986 and had worked as Mali-cum-Chowkidar up to 1st August, 1989. He further said that no notice was given to him, nor any retrenchment compensation was paid to him at the time of termination of his services.

7. Shri R. D. Garg, SDO was examined as MW-1 and he stated that the petitioner was engaged on 11th October, 1988 and had worked upto 31st July, 1989 for 214 days in all and thereafter he left the job himself. In his cross-examination, he admitted the validity of details of working day of the petitioner as Ex. MC. He further admitted that no notice was given to the petitioner, nor any retrenchment compensation was paid to him.

8. According to Ex. MC, the petitioner had worked for 271 days during the period from 9/87 to 8/88 and thus, he was protected under the provisions of the Act. The management was duty bound to comply with the provisions of Section 25-F of the Act before terminating his services. The management did not do so. The non-compliance of mandatory provisions of Section 25-F of the Act, has rendered the termination of services of the petitioner illegal. He is not only entitled to reinstatement, but full back wages also. The issue is answered accordingly, in favour of the workman.

#### Issue No. 2-Relief :

9. In view of my findings on issue No. 2, the termination of services of the petitioner is held illegal. The same is hereby set-aside. The petitioner is reinstated in the same post forthwith, with full back wages and benefit of continuity of service and other consequential benefits. The reference is answered accordingly, with no order as to costs.

**B. R. VOHRA,**

The 3rd October, 1994.

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Hisar.

Endorsement No. 2215, dated 3rd October, 1994.

A copy with spare copy, is forwarded to the financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, for necessary action.

**B. R. VOHRA,**

Presiding Officer,  
Industrial Tribunal-cum-Labour Court,  
Hisar.